**HON'BLE Dr. JUSTICE G. YETHIRAJULU**

**W.P. No.21315 of 1998**

**Dated this the 13th day of December 2007**

Between:

S. Ram Kishan … Petitioner

AND

The Collector, Nizamabad,
and 3 others … Respondents

**HON'BLE Dr. JUSTICE G. YETHIRAJULU**

**W.P. No.21315 of 1998**

**ORDER**:

This Writ Petition has been filed by the petitioner seeking a direction to the respondents 1 and 2 not to assign any temple lands situated at Venkatapur Village, Yellareddy Mandal of Nizamabad District consisting an extent of Ac.171.05 guntas, which was endowed to Sri Ramachandra Swamy Temple 174 years back and it was confirmed by H.E.H. Nizam.

The land so dedicated consists of cultivable area and barren lands. The lands situated at Venkatapur village were under patta of different persons, who cultivated the respective pieces of land. In the year 1956 survey was conducted and it was recorded as Ac.171.05 guntas confirming the wet and dry garden land belonging to Sri Ramachandra Swamy temple. The entire land situated at Venkatapur village was shown as temple land and got it registered under Section 38 of the Old Endowments Act before the office of the third respondent-Assistant Commissioner of Endowments, Nizamabd and to that effect a certificate was obtained on 10.08.1970. The petitioner is managing

the temple by conducting daily pooja and usthavas. The Revenue Divisional Officer, Kamareddy conducted survey of Inam lands at Venkatapur village without any notice to the petitioner or to the concerned authorities and is trying to assign the inam lands granted in favour of the institution to the villagers of the Venkatapur village. If the lands are assigned, the institution looses its source of income and the maintenance and development of temple is not possible without any source of income. Hence, the present writ petition for the relief as mentioned above.

2) The respondents 1 and 2 did not file any counter affidavit and the third respondent filed counter affidavit mentioning that he has no objection to allow the writ petition.

3) Though the petitioner asserted that these are the temple lands, none of the respondents asserted that the lands do not belong to the temple. When once they are the temple lands, the revenue officials are not supposed to assign the lands to any persons without consent of the concerned authorities. But, no such material has been placed before the Court that they are duly authorized to assign the lands. The petitioner apprehends that the revenue officials after conducting the survey are likely to assign the lands to third parties, which cannot be allowed without proper authorization to assign the lands. In the light of the above circumstances, I am inclined to allow the writ petition.

4) In the result, the Writ Petition is allowed and there shall be a direction to the respondents 1 and 2 not to assign the temple lands situated at Venkatapur village, Yellareddy Mandal of Nizamabad District without proper authorization from the concerned authorities of Endowments Department. No order as to costs.

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**Dr.G. YETHIRAJULU, J**

Date: 13-12-2007
lsn